

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

FILED

2007 SEP 25 AM 9:43

UNITED STATES OF AMERICA,

Magistrate Case No. 07 MJ 2306

Plaintiff,

v.

Pedro ROBLEZ

COMPLAINT FOR VIOLATION OF DEPUTY

Defendant.

Title 8, U.S.C., Section 1326;
Deported Alien Found in the
United States

The undersigned complainant, being duly sworn, states:

On or about, **September 04, 2007**, within the Southern District of California, defendant, **Pedro ROBLES**, an alien, who previously had been excluded, deported and removed from the United States to Mexico, was found in the United States, without the Attorney General of the United States or his designated successor, the Secretary of the Department of Homeland Security (Title 6, United States Code, Sections 202(3) and (4), and 557), having expressly consented to the defendant's reapplication for admission into the United States; in violation of Title 8, United States Code, Section 1326.

And the complainant further states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.

Gregory M. Harrison
SIGNATURE OF COMPLAINANT
Gregory M. Harrison, Immigration &
Customs Enforcement, Deportation Officer

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 25th DAY OF September 2007.

John H. O'Connor
UNITED STATES MAGISTRATE JUDGE

CONTINUATION OF COMPLAINT:**NAME: ROBLES, Pedro****PROBABLE CAUSE STATEMENT**

As part of assigned duties of the Detention and Removal Office, Deportation Officers review various sources in order to check on aliens that have been previously removed from the United States. This is done in order to determine if subjects have returned to the United States, in violation of Title 8, United States Code, Section 1326.

On Tuesday, September 04, 2007, the defendant identified as Pedro ROBLES was apprehended in the United States by U.S. Border Patrol Agent Kevin M. Wies of Customs and Border Protection and questioned as to his citizenship. The defendant acknowledged that he was a citizen of Mexico and has no legal right to enter, be in or reside in the United States. The defendant was transported to the Imperial Beach Border Patrol Station where computer database record checks and fingerprint comparisons confirmed the defendant's identity as that of a citizen of Mexico and a deported alien. U.S. Border Patrol Agent Michael Myers also assisted in the processing of the defendant, placed a Form I-247 "Immigration Detainer" and the defendant was booked into county jail for violation of Penal Code 3056 "VIOLATION OF PAROLE".

On Monday, September 24, 2007, at approximately 8:10 a.m. the defendant was referred to United States Immigration and Customs Enforcement custody. Deportation Officer Gregory Garrison conducted official record checks in regards to the defendant, which indicated that he was a citizen of Mexico and had been deported from the United States. A thorough review of the defendant's official immigration record and Alien Registration File confirmed that he is a citizen and national of Mexico having been previously removed from the United States on two occasions.

A thorough review of official immigration computer database record checks and information contained in the Alien Registration File revealed that the defendant has been ordered removed from the United States by an Immigration Judge on or about February 14, 2007 and removed to Mexico via the Nogales Port of Entry. Record checks further revealed that the defendant was issued a re-instatement of removal on or about May 24, 2007 and removed to Mexico via the Calexico Port of Entry. Record checks further indicate that the defendant has not applied to the Attorney General of the United States or the Secretary of the Department of Homeland Security for permission to re-enter the United States.

The Automated Biometric Fingerprint Identification System "IDENT" and Automated Fingerprint Identification System "IAFIS" were utilized and compared the defendant's fingerprints to those contained in these databases. The results confirmed the defendant's identity as Pedro ROBLES, a citizen and national of Mexico. A photograph and a set of fingerprints contained within the official Alien Registration File were also reviewed and compared to the defendant, further confirming his identity.

All information indicates that the defendant is a citizen of Mexico having been previously deported to Mexico and has no legal right to enter or reside in the United States.

Based upon the foregoing information, there is probable cause to believe that Pedro ROBLES has illegally re-entered the United States after Deportation, in violation of Title 8 of the United States Code 1326, Deported Alien Found in the United States.